UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

-v-

Luis Hernandez

APPLICATION AND
ORDER OF EXCLUDABLE DELAY

Case No. M10-439

The United States of America and the defendant hereby jointly request that the time period from 6/15/10 to 7/15/10 be excluded from the computation of the time period within which

(✓) an information or indictment must be filed, or (XW)
( ) trial of the charges against defendant must commence. (XC)

The parties seek the exclusion of the foregoing period because

(✓) they are engaged in plea negotiations, which they believe are likely to result in a disposition of this case without trial, and they require an exclusion of time in order to focus efforts on plea negotiations without the risk that they would not, despite their diligence, have reasonable time for effective preparation for trial,

( ) they need additional time to prepare for trial due to the complexity of case,

( ) ______________________________.

The defendant states that he/she has been fully advised by counsel of his/her rights guaranteed under the Sixth Amendment to the Constitution; the Speedy Trial Act of 1974, 18 U.S.C. §§ 3161-74; the plan and rules of this Court adopted pursuant to that Act; and Rule 50(b) of the Federal Rules of Criminal Procedure. The defendant understands that he/she has a right to be tried before a jury within a specified time not counting periods excluded.

Luis Hernandez
Defendant

Donald du Boulay
Counsel for Defendant

[signature]
For U.S. Attorney, E.D.N.Y.

The joint application of the United States of America and the defendant having been heard at a proceeding on the date below, the time period from 6/15/10 to 7/15/10 is hereby excluded in computing the time within which (✓) an information or indictment must be filed or ( ) trial must commence. The Court finds that this exclusion of time serves the ends of justice and outweigh the interests of the public and the defendant in a speedy trial for the reasons discussed on the record and because

(✓) given the reasonable likelihood that ongoing plea negotiations will result in a disposition of this case without trial, the exclusion of time will allow all counsel to focus their efforts on plea negotiations without the risk that they would be denied the reasonable time necessary for effective preparation for trial, taking into account the exercise of due diligence.

( ) ______________________________.

SO ORDERED.

Dated: **Brooklyn, N.Y**
June 15, 2010

[signature]
United States

S/Bloom